

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re DRAPER.

Case No. [24-cv-07008-JST](#)

**ORDER OF DISMISSAL**

On or about October 7, 2024, the Court docketed a 1-page document received from Plaintiff. Plaintiff, an inmate housed at Pelican Bay State Prison (“PBSP”), stated that he had recently been injured and required immediate attention that PBSP was unwilling to provide. He further stated that he had waited several days to file his complaint by email but it appeared that the librarian had been fired and that no one was working at the law library. Plaintiff requested an exemption from the electronic filing requirement set forth in N.D. Cal. General Order No. 76, and requested that he be allowed to file his complaint by mail. *See generally* ECF No. 1.

Because Plaintiff sought relief from this Court, the Court opened an action pursuant to this filing. That same day, the Court sent Plaintiff deficiency notices, instructing Plaintiff that he was required to file by email by November 4, 2024, (1) a complaint on a complaint by a prisoner form, and (2) an *in forma pauperis* application. ECF Nos. 2, 3.

On November 18, 2024, the Court denied Plaintiff’s request for an exemption from General Order No. 76’s email-filing requirements, because the Court had been informed that, despite the lack of a law library for Facility A, PBSP was providing inmates with access to law library resources and processing requests for eFiling, and because the Court had received a set of case-initiating documents from PBSP for a different case in late October. The Court *sua sponte*

1 granted Plaintiff an extension of time to December 6, 2024, to file these case-initiating documents  
2 by email. *See generally* ECF No. 7.

3 The deadline to file the case-initiating documents has passed, and Plaintiff has not filed the  
4 required documents. This action cannot proceed without the specified documents. Accordingly,  
5 this action is DISMISSED for failure to file a complaint on the proper form and for failure to  
6 either pay the filing fee or file an *in forma pauperis* application.

7 The dismissal is without prejudice to Plaintiff filing a motion to reopen the action. Any  
8 motion to reopen must be accompanied by a complaint on the proper form and either the filing fee  
9 or an *in forma pauperis* application, and the documents must be submitted by email in accordance  
10 with N.D. Cal. General Order No. 76. In the alternative, Plaintiff may submit his case-initiating  
11 documents by mail, accompanied by a motion requesting exemption from General Order No. 76's  
12 email filing requirement and showing good cause for the exemption.

13 **IT IS SO ORDERED.**

14 Dated: December 18, 2024

15   
16 JON S. TIGAR  
17 United States District Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28